



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application: Sash :

Group Art Unit:

Serial No. 09/864,599 :

Examiner:

Filed: May 24, 2001 :

Date: September 26, 2002

For: Information Delivery System: :

Commissioner for Patents

Box DAC

Washington, D.C. 20231

RECEIVED

SEP 30 2002

OFFICE OF PETITIONS

PETITION TO RECONSIDER HOLDING OF ABANDONMENT

Jean Marc Zimmerman declares as follows:

1. I am an attorney at law licensed to practice before the U.S. Patent and Trademark Office ("PTO"). My registration number is 36,978.

2. I filed the above-identified Patent Application in the Patent and Trademark Office on May 24, 2001. The filed Application included nine (9) drawings.

3. In July 2001, I received a Notice to File Missing Parts dated July 24, 2002 that required Applicant to file corrected drawings for Figs. 1-4 and file Figs. 5-9 which were the purportedly missing from the filed application.

4. On September 12, 2001, the Applicant filed a Response to the Notice to File Missing Parts that included formal drawings for Figs. 1-4. A copy of this Response which included a Certificate of Mailing is attached hereto as Exhibit 1.

5. On January 24, 2002, the undersigned contacted the PTO and spoke with Ms. Elisha Evans to inquire about the Applicant's Response to the Notice to File Missing Parts and to also inquire why Applicant had not yet received from the PTO the return postcard if sent with its September 12, 2001 Response. Ms. Evans did not advise me that the Response had not been received by the PTO.

6. On January 30, 2001, in response to communications between my partner Joe Levi and Ms. Pam Kim of the PTO, Applicant filed a Petition to Enter Drawings 5-9. Ms. Kim did not advise Mr. Levi that a Response had not been

timely filed to the Notice to File Missing Parts or that the subject application had gone abandoned.

7. On June 6, 2001, Ms. Shirene Willis called from the PTO to advise me that a \$130.00 Petition Fee had to be paid to have the Applicant's January 30, 2002 Petition entered. Significantly, Ms. Willis did not advise me that a Response had not been timely filed to the Notice to File Missing Parts or that the subject application had consequently gone abandoned. In fact, it defies common sense that the PTO would contact the Applicant to request payment of a fee to enter a Petition for an Application that has gone abandoned.

8. On June 13, 2002, the Applicant paid the requisite Petition Fee as requested.

9. In July 2002, the Applicant received a Notice of Abandonment dated July 5, 2002, that the subject application had gone abandoned because Applicant did not timely file a Response to the Notice to File Missing Parts.

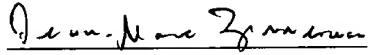
10. In response to the Notice of Abandonment, the undersigned searched its files for pending patent applications (for the subject application as well as for all of its other patent applications) to find a return postcard for the Response it filed on September 12, 2001. Applicant did not find such postcard.

11. Notwithstanding that a stamped return postcard was not found, the Applicant's actions evidence that it timely filed a Response to the Notice to File Missing Parts. Specifically, 1) Applicant had formal drawings prepared in response to the Notice to File Missing Parts; 2) the Applicant submitted a response which included a Certificate of Mailing in which the undersigned, an attorney at law and member of the patent bar in good standing, certified that the document was sent; 3) the Applicant called the PTO on January 24, 2001, to inquire about its Response; and 4) the Applicant filed its Petition to Enter Drawings on January 30, 2002 and subsequently paid the requisite Petition Fee after communications with different PTO employees who never advised the Applicant that the Response to the Notice to File Missing Parts had not been received or that the subject application had gone abandoned.

12. Accordingly, the Notice of Abandonment should be withdrawn.

13. All statements made herein of my own knowledge are true; and all statements made on information and belief are believed to be true; and that further these statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. Section 1001, and may jeopardize the

validity of the application or document or any registration issuing therefrom.

A handwritten signature in cursive script, reading "Jean-Marc Zimmerman", positioned above a horizontal line.

Jean-Marc Zimmerman, Esq.

Reg. No. 36,978

226 St. Paul Street

Westfield, New Jersey 07090

(908) 654-8000

Dated: September 26, 2002
Westfield, New Jersey



ZIMMERMAN & LEVI, L.L.P.

INTELLECTUAL PROPERTY ATTORNEYS
226 ST. PAUL STREET
WESTFIELD, NEW JERSEY 07090

TEL: (908) 654-8000
FAX: (908) 654-7207
E-MAIL: iplaw@home.com

September 12, 2001

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/864,599
for Information Delivery System

Dear Sir:

Enclosed please find the following items:

1. a Notice To File Missing Parts for the above-identified application;
2. formal corrected patent drawings;
3. a check in the amount of \$130.00 to cover the requisite fee; and
4. a stamped, self-addressed postcard.

Kindly stamp and return the postcard to the undersigned upon receipt in the Patent and Trademark Office of the foregoing items.

Respectfully submitted,

Jean-Marc Zimmerman

Jean-Marc Zimmerman
Registration No. 36,978

JMZ/id
enclosures
cc: Mr. Yaakov Sash

RECEIVED
SEP 30 2002
OFFICE OF PETITIONS



CERTIFICATE OF MAILING

I hereby certify that on September 12, 2001, I caused A Notice To File Missing Parts for U.S. Patent Application Serial No. 09/864, 599 to be mailed by first class mail to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Jean-Marc Zimmerman
Jean-Marc Zimmerman

RECEIVED

SEP 30 2002

OFFICE OF PETITIONS

08-27-02

loc 41 DAC



ZIMMERMAN & LEVI, L.L.P.

INTELLECTUAL PROPERTY ATTORNEYS
226 ST. PAUL STREET
WESTFIELD, NEW JERSEY 07090

TEL: (908) 654-8000
FAX: (908) 654-7207

WRITER'S E-MAIL
jean-marc@zimmermanlevi.com

September 26, 2002

VIA EXPRESS MAIL
Commissioner of Patents
Box DAC
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/864,599 for
Information Delivery System

Dear Sir:

Enclosed for filing in connection with the above-identified application
please find the following items:

1. a Petition to Reconsider Holding of Abandonment; and
2. a stamped, self-addressed postcard.

Kindly stamp and return the postcard to the undersigned upon receipt in
the Patent's Office of the foregoing items.

Respectfully submitted,

Jean-Marc Zimmerman

Jean-Marc Zimmerman

RECEIVED

SEP 30 2002

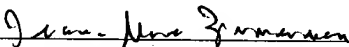
OFFICE OF PETITIONS

JMZ/hz
enclosure



Certificate of Express Mailing
Express Mail Label No. EU587783086US
Date of Deposit: September 26, 2002

I hereby certify that the enclosed U.S. Trademark Application for INFORMATION DELIVERY SYSTEM is being sent Express Mail Post Office Service under 37 C.F.R. Section 1.10 on the date indicated above and are addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.


Jean-Marc Zimmerman